

REMARKS

The applicants propose amending claims 1, 5-8 and 15-17 to improve form, canceling claims 4 and 12 without prejudice or disclaimer and adding claims 20 and 21. Claims 1-3, 5-11 and 13-21 will be pending upon entry of this amendment.

Initially, the applicants acknowledge, with appreciation, the indication that claims 4-7 and 12 would be allowable if rewritten in independent form.

The applicants note that an Information Disclosure Statement (IDS), PTO-1449 and IDS transmittal letter were filed on February 18, 2005. The Patent Application Retrieval (PAIR) system shows that these documents have been received. The applicants are unsure whether these documents were available to the Examiner prior to the issuance of the Final Office Action dated March 16, 2005. The applicants further note that another IDS and PTO-1449 were filed on April 18, 2005, subsequent to the Final Office Action. The applicants respectfully request that the Examiner consider the documents listed on the PTO-1449s filed February 18, 2005 and April 18, 2005 and return copies with the next communication with the Examiner's initials indicating that the documents listed on these PTO-1449s have been officially considered.

Returning now to the Office Action, claims 1-3, 8-11, 13 and 15-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Erimli et al. (U.S. Patent No. 5,953,335; hereinafter Erimli). The rejection is respectfully traversed.

While not concurring with the rejection, but to expedite prosecution, claims 1 and 8, amended as proposed, include features from claims 4 and 12, respectively, which were indicated as being allowable if rewritten in independent form. Therefore, claims 1 and 8 are

believed to be in condition for allowance. Accordingly, withdrawal of the rejection and allowance of claims 1 and 8 are respectfully requested.

Claims 2 and 3 are dependent on claim 1 and claims 9-11 and 13 are dependent on claim 8. These claims are believed to be allowable for at least the reasons their respective independent claims are allowable. Accordingly, withdrawal of the rejection and allowance of claims 2, 3, 9-11 and 13 are respectfully requested.

Claim 15, amended as proposed, recites features similar to amended claim 1 and is believed to be allowable for reasons similar to reasons claim 1 is allowable. For example, claim 15, as amended, recites features similar to those in original claim 4, which was indicated as being allowable. Therefore, claim 15 is believed to be in condition for allowance. Accordingly, withdrawal of the rejection and allowance of claim 15 are respectfully requested.

Claims 16-18 are dependent on claim 15 and are believed to be allowable for at least the reasons claim 15 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 16-18 are respectfully requested.

Claims 14 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Erimli in view of Goss (U.S. Patent No. 5,828,653). The rejection is respectfully traversed.

Claims 14 and 19 are dependent on claims 8 and 15, respectively, and are believed to be allowable for at least the reasons their respective independent claims are allowable. Accordingly, withdrawal of the rejection and allowance of claims 14 and 19 are respectfully requested.

NEW CLAIMS

New claims 20 and 21 have been added. Claims 20 and 21 are dependent on claim 15 and are believed to be allowable for at least the reasons claim 15 is allowable. In addition, these claims recite additional features not disclosed or suggested by the cited art. For example, claim 20 recites that the at least one queue comprises one queue and the number of portions correspond to logical portions of the one queue, wherein each logical portion corresponds to a priority associated with data frames received by the network device. Claim 21 is dependent on claim 20 and recites that each logical portion comprises a programmable number of pointers. The cited are does not disclose or suggest these features. Accordingly, allowance of claims 20 and 21 are respectfully requested.

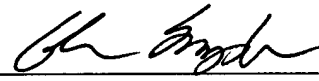
CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully request entry of this amendment, withdrawal of the outstanding rejection and the timely allowance of this application. The applicants respectfully request that the present amendment be entered because the amendment merely incorporate features from pending dependent claims into independent claims, improves the form of other claims and adds dependent claims which should be allowable for at least the reasons their independent claim is allowable. Therefore, this amendment should place the application in condition for allowance. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, please feel free to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 
Glenn Snyder
Reg. No. 41,428

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11240 Waples Mill Road
Suite 300
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808